

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**DAVID SIMMONS**

)  
)  
)  
)  
)

**DOCKET NO. 1:08CR117**

**ORDER FOR DISMISSAL**

**THIS MATTER** is before the Court on the Government's motion to dismiss the Bill of Indictment with prejudice due to the death of the Defendant.

For cause shown,

**IT IS, THEREFORE, ORDERED** that the Government's motion is **ALLOWED**, and the indictment herein is hereby **DISMISSED WITH PREJUDICE**.

Signed: May 29, 2009



Lacy H. Thornburg  
United States District Judge

